AMENDED IN ASSEMBLY SEPTEMBER 5, 1997

AMENDED IN SENATE AUGUST 7, 1997

SENATE BILL   No. 291

Introduced by Committee on Appropriations (Senators Johnston (Chair), Alpert, Burton, Calderon, ~~Johnson,~~ Karnette, Lee, ~~Leslie,~~ McPherson, and Vasconcellos)

February 7, 1997

An act relating to the payment of judgments and settlement claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 291, as amended, Committee on Appropriations. Judgments and settlement claims against the state: appropriation.

(1) Existing law requires the Attorney General to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state.

This bill would appropriate $525,000 from the Property Acquisition Law Account in the General Fund, as scheduled, to the Attorney General to pay judgments and settlement claims. *The bill would appropriate $1,930,261 from the General Fund, as scheduled, to the Attorney General, to pay attorney fees, including interest, as specified.*

(2) Existing law authorizes public entities to pay punitive damages on behalf of employees or former employees it has

defended in specified types of actions arising out of their employment with the entity, under certain circumstances.

This bill would authorize the Department of Corrections to pay $10,564 from specified funds appropriated to the department in the Budget Act of 1997 to satisfy the judgment, including interest, for punitive damages in a specified court decision.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $^2/_3$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 　　SECTION　　1. *(a)* The　　sum　　of　　five　　hundred
2 twenty-five　thousand　dollars　($525,000)　is　hereby
3 appropriated　from　the　Property　Acquisition　Law
4 Account in the General Fund to the Attorney General for
5 allocation to pay the following judgments and settlement
6 claims pursuant to the following schedule:
7 　Five　hundred　twenty-five　thousand　dollars　($525,000)
8 for the case of East Valley Water District v. Department
9 of　General　Services　(Superior　Court;　San　Bernardino
10 County, Case No. SCV01657).
11 　*(b) The　sum　of　one　million　nine　hundred　thirty*
12 *thousand　two　hundred　sixty-one　dollars　($1,930,261)　is*
13 *hereby　appropriated　from　the　General　Fund　to　the*
14 *Attorney　General　to　pay　attorney　fees,　including　interest,*
15 *awarded　in　the　case　of　American　Academy　of　Pediatrics*
16 *v.　Daniel　E.　Lungren　(Superior　Court;　City　and　County*
17 *of San Francisco, Case No. 884574).*
18 　SEC.　2.　(a)　The　Legislature　hereby　finds　and
19 declares　that　the　payment　of　punitive　damages　awarded
20 in　the　case　of　Herbert　Greene　v.　Robert　Konkel　et　al
21 (United　States　District　Court;　Southern　District　of
22 California　No.　941516　BTM)　meets　the　conditions　for
23 payment　of　a　punitive　damages　claim,　as　outlined　in
24 subdivision (b) of Section 825 of the Government Code.
25 　(b) The　Department　of　Corrections　is　hereby
26 authorized, pursuant to subdivision (b) of Section 825 of

1 the Government Code, to pay a sum in an amount up to
2 and including ten thousand five hundred sixty-four
3 dollars ($10,564) from funds appropriated to the
4 department in Item 5240-001-0001 of the Budget Act of
5 1997 to satisfy the judgment, including interest, for
6 punitive damages in the case of Herbert Greene v. Robert
7 Konkel et al (United States District Court; Southern
8 District of California No. 941516 BTM).
9   SEC. 3.   This act is an urgency statute necessary for the
10 immediate preservation of the public peace, health, or
11 safety within the meaning of Article IV of the
12 Constitution and shall go into immediate effect. The facts
13 constituting the necessity are:
14   In order to pay judgments and settlement claims
15 against the state and end hardship to claimants as quickly
16 as possible, it is necessary for this act to take effect
17 immediately.

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